



LODI CITY COUNCIL

Carnegie Forum

305 West Pine Street, Lodi

AGENDA - REGULAR MEETING

Date: March 17, 2004

Time: Closed Session 5:30 p.m.
Regular Meeting 7:00 p.m.

For information regarding this Agenda please contact:

Susan J. Blackston

City Clerk

Telephone: (209) 333-6702

NOTE: All staff reports or other written documentation relating to each item of business referred to on the agenda are on file in the Office of the City Clerk and are available for public inspection. If requested, the agenda shall be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof. To make a request for disability-related modification or accommodation contact the City Clerk's Office as soon as possible and at least 24 hours prior to the meeting date.

C-1 Call to Order / Roll Call

C-2 Announcement of Closed Session

- a) Actual Litigation: Government Code §54956.9(a); one case; People of the State of California; and the City of Lodi, California v. M & P Investments, et al.; United States District Court, Eastern District of California, Case No. CIV-S-00-2441 FCD JFM
- b) Actual litigation: Government Code §54956.9(a); one case; Hartford Accident and Indemnity Company, et al. v. City of Lodi, et al., Superior Court, County of San Francisco, Case No. 323658
- c) Conference with legal counsel – initiation of litigation: Government Code §54956.9(c); two cases
- d) Actual litigation: Government Code §54956.9(a); one case, Smalley v. City of Lodi et al., San Joaquin County Superior Court, Case No. CV010730

C-3 Adjourn to Closed Session

NOTE: THE FOLLOWING ITEMS WILL COMMENCE NO SOONER THAN 7:00 P.M.

C-4 Return to Open Session / Disclosure of Action

A. Call to Order / Roll call

B. Invocation – Pastor Bill Cummins, Bear Creek Community Church

C. Pledge of Allegiance

D. Presentations

D-1 Awards – None

D-2 Proclamations

- a) National Boys and Girls Club Week
- b) Model A Ford Club of America 42nd Annual Northern California Regional Group Roundup
- c) Arbor Day (PR)

D-3 Presentations

- a) Presentation by the Lodi Area All Veterans Plaza Foundation of quarterly payment on loan from City of Lodi
- b) 2003 Maintenance Superintendents Association Superintendent of the Year Award
Presentation to Street Supervisor Dave Bender (PW)
- c) Presentation of 2004 Spring Cleanup activities (CD)

E. Consent Calendar (Reading; comments by the public; Council action)

- E-1 Receive Register of Claims in the amount of \$1,972,812.84 (FIN)

- E-2 Approve minutes (CLK)
 - a) February 18, 2004 (Regular Meeting)
 - b) February 24, 2004 (Shirtsleeve Session)
 - c) March 2, 2004 (Shirtsleeve Session)
- E-3 Approve plans and specifications and authorize advertisement for bids for Water/Wastewater Replacement Program Project No. 2 (PW)
- Res. E-4 Adopt resolution approving plans and specifications and authorizing advertisement for bids for the standby generator at Well 22 and authorizing the City Manager to award the contract (up to \$150,000) (PW)
- Res. E-5 Adopt resolution approving specifications and authorizing advertisement for bids for low-voltage fuses and fuse holders and authorizing the City Manager to approve the purchase (\$20,000) (EUD)
- Res. E-6 Adopt resolution authorizing the City Manager to award the purchase of a Fiber Optic Control Building to the low bidder, E-3 Systems, of Union City, CA (\$32,094.64) (EUD)
- Res. E-7 Adopt resolution authorizing the purchase of 35 ballistic vests from LC Action Police Supply, of San Jose (\$25,757.64) (PD)
- Res. E-8 Adopt resolution authorizing the purchase of 68 chairs from Warden's Outlet Center, of Modesto, for the new Police Facility Community Room (\$8,270) (PD)
- E-9 Accept improvements under contract for Katzakian Park Booster Pump Project (PR)
- Res. E-10 Adopt resolution accepting a portion of the Improvements in Almondwood Estates, Tract No. 3273 (PW)
- Res. E-11 Adopt resolution approving the Final Map, Improvement Agreement, and Water Rights Agreement for Millsbridge II, Tract No. 3343 (PW)
- Res. E-12 Adopt resolution authorizing the City Manager to execute Letter of Agreement No. 04-SNR-00637 between the United States of America Department of Energy Western Area Power Administration and the City of Lodi to provide Shasta Rewinds and daily excess capacity and associated energy (EUD)
- Pulled Res. E-13 Adopt resolution approving a lease agreement between City of Lodi and Spare Time, Inc., dba Twin Arbor Athletic Club, for use of pool at Twin Arbor Athletic Club facilities for the period of May 31, 2004 to July 25, 2004 (PR)
- Pulled Res. E-14 Adopt resolution approving the job specification and salary range for the position of Fire Administrative Captain and provide authorization to fill the position (HR)
- Res. E-15 Adopt resolution authorizing the City Manager to appropriate a Public Benefits Program grant in the amount of \$6,178 to Fairmont Seventh-Day Adventist Church for a demand-side management project (EUD)
- E-16 Authorize advertisement for transportation services for Leadership Lodi's Agriculture, Water, and Environment Day and authorize use of buses should no alternate provider be willing to perform the service (PW)
- Res. E-17 Adopt resolution reallocating \$20,962.07 of unobligated funds from various Community Development Block Grant projects to the 98-07 Elm Street Parking Lot project (CD)
- Res. E-18 Adopt resolution of Preliminary Determination and Resolution of Intention to Annex Millsbridge II Zone 3 and Almond North Zone 4 to Lodi Consolidated Landscape Maintenance District
- Res. No. 2003-1; set public hearing and deadline for receipt of ballots for May 5, 2004; and adopt
- Res. resolutions authorizing the City Manager to execute professional service agreements with
- Res. Timothy J. Hachman, Attorney at Law (\$7,000), and Thompson-Hysell Engineers, a Division of the Keith Companies, Inc. (\$8,500), for services required in support of the annexation (PW)
- E-19 Set public hearing for April 7, 2004, to consider an appeal received from Key Advertising, Inc., regarding the Planning Commission's decision to deny the request of Key Advertising for a Use Permit to allow a 75-foot-high electronic display sign and a Variance to double the maximum allowable sign area from 480 square feet to 960 square feet to be located at 1251 South Beckman Road (CD)

F. Comments by the public on non-agenda items

THE TIME ALLOWED PER NON-AGENDA ITEM FOR COMMENTS MADE BY THE PUBLIC IS LIMITED TO FIVE MINUTES.

The City Council cannot deliberate or take any action on a non-agenda item unless there is factual evidence presented to the City Council indicating that the subject brought up by the public does fall into one of the exceptions under Government Code Section 54954.2 in that (a) there is an emergency situation, or (b) the need to take action on the item arose subsequent to the agenda's being posted.

Unless the City Council is presented with this factual evidence, the City Council will refer the matter for review and placement on a future City Council agenda.

G. Public Hearings

- Ord. G-1 Public hearing to consider the Planning Commission's recommendation of approval to the City
(Introduce) Council for a Rezoning for 5952 E. Pine Street; the Rezoning is from San Joaquin County A-U,
Res. Agricultural Urban Reserve to M-2, Heavy Industrial; the request also includes a
Res. recommendation that the City Council certify Negative Declaration ND-03-13 as adequate
environmental documentation for the project and initiate annexation of the property into the City
(CD)
- G-2 Continue public hearing to April 7, 2004, to consider redesign concept for C-Basin (Pixley Park)
and the exchange of properties with GREM, Inc., to allow relocation of C-Basin (PW)
- Ord. G-3 Public hearing to consider the Planning Commission's recommendation of approval to the City
(Introduce) Council to adopt a Zoning Ordinance amendment adding Chapter 17.58 regarding design
standards for large retail establishments (CD)

H. Communications

- H-1 Claims filed against the City of Lodi – None
a) Randall Hays, date of loss 1/23/04
- H-2 Reports: Boards/Commissions/Task Forces/Committees – None
- H-3 Appointments
a) Appointments to the Lodi Arts Commission and Parks and Recreation Commission (CLK)
- H-4 Miscellaneous
a) Monthly Protocol Account Report (CLK)

I. Regular Calendar

- Pulled** Res. (I-1) Adopt resolution authorizing the City Manager to appropriate \$25,000 in Public Benefit Program
funds for the Lodi Residential Swimming Pool Pump & Motor Rebate Program for City of Lodi
Electric Utility customers (EUD)
- Pulled** (I-2) Updates from Mayor Larry Hansen regarding the following issues: (CC)
• Barger & Wolen audit of Envision Law Group's billings
• status of recruitment process for new City Attorney
• progress on Request for Proposals for special counsel to represent the City of Lodi in its
Environmental Abatement Program litigation
• legal proceedings relative to the Environmental Abatement Program litigation
- Pulled** Res. (I-3) Adopt resolution awarding contract(s) for City-wide janitorial services to lowest responsive
bidder(s) (PW)
- Pulled** (I-4) Approve Special Allocation for expenses incurred for moving and storing PCE/TCE litigation files
(\$17,005) (CA)

J. Ordinances

- Ord. J-1 Ordinance No. 1743 entitled, "An Ordinance of the Lodi City Council Amending Lodi Municipal
(Adopt) Code Chapter 16.40, by Repealing Section 16.40.050 A-5 and Adding Section C Relating to
Reimbursement Agreements"
- Ord. J-2 Ordinance No. 1744 entitled, "An Ordinance of the City Council of the City of Lodi Amending
(Adopt) Title 9 – Public Peace, Morals, and Welfare, Chapter 9.08, 'Offenses Against Property,' by
Repealing and Reenacting Section 9.08.150 of the Lodi Municipal Code Relating to Vehicles"

- K. Comments by the City Council Members on non-agenda items**
- L. Comments by the City Manager on non-agenda items**
- M. Adjournment**

Pursuant to Section 54954.2(a) of the Government Code of the State of California, this agenda was posted at least 72 hours in advance of the scheduled meeting at a public place freely accessible to the public 24 hours a day.

Susan J. Blackston
City Clerk